

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANTHONY HAWORTH,

Plaintiff,

v.

WALLA WALLA COUNTY,  
MICHELLE MORALES,  
individually and in her capacity as an  
employee of Walla Walla County, and  
JAMES NAGLE, individually and in  
his capacity as an employee of Walla  
Walla County,

Defendants.

NO. 4:19-CV-5254-TOR

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION

BEFORE THE COURT is Plaintiff's Motion for Reconsideration (ECF No. 65). This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein, and is fully informed. In accordance with the procedures of this Court's Jury Trial Scheduling Order, ECF

No. 14 at 8, and for the reasons discussed below, Plaintiff's Motion for Reconsideration (ECF No. 65) is DENIED.

### **BACKGROUND**

This case arises out of events occurring when Defendants investigated and prosecuted Plaintiff for various sexual offenses in state criminal proceedings. Plaintiff raises a series of § 1983 claims for alleged violations of his constitutional rights and tort claims under state law. ECF No. 1. The extensive factual background of this case is summarized in the Court's Order Granting Summary Judgment. ECF No. 58.

On March 19, 2020, Defendants City of Walla Walla, Marcus Goodwater, and Scott Bieber (collectively, the "City Defendants") filed a motion for summary judgment on all of Plaintiff's claims. ECF No. 19. On June 11, 2020, after a hearing with oral argument, the Court granted summary judgment in favor of the City Defendants and terminated them as defendants in this case. ECF No. 58. On July 8, 2020, Plaintiff filed the instant Motion for Reconsideration of the Court's summary judgment ruling. ECF No. 65.

### **DISCUSSION**

Motions for reconsideration are generally disfavored. "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is

1 an intervening change in controlling law.” *Sch. Dist. No. 1J, Multnomah Cty., Or.*  
2 *v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *United Nat. Ins. Co. v.*  
3 *Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009). “There may also be  
4 other, highly unusual, circumstances warranting reconsideration.” *Sch. Dist. No.*  
5 *1J*, 5 F.3d at 1263.

6 Plaintiff’s primary contention is that the Court erred by failing to consider  
7 the summary judgment record in the light most favorable to Plaintiff. ECF No. 65  
8 at 3-13. Plaintiff’s other legal arguments stem from a reliance on Plaintiff’s  
9 alternate characterization of the facts. ECF No. 65 at 13-21. In ruling on a  
10 summary judgment motion, a court must construe the facts, as well as all *rational*  
11 inferences therefrom, in the light most favorable to the non-moving party. *Scott v.*  
12 *Harris*, 550 U.S. 372, 378 (2007). As the Court explained in detail at oral  
13 argument and in its written Order, Plaintiff’s characterization of the facts is not  
14 reasonably based in the record. *See, e.g.*, ECF No. 58 at 18-21, 27-29, 32-33.  
15 Instead, Plaintiff’s portrayal of the facts relies heavily on innuendo and  
16 mischaracterization of the evidence presented. *Id.* Indeed, Plaintiff continues to  
17 level baseless accusations by asserting in counsel’s instant supporting declaration  
18 that Defendant Goodwater attempted to “intimidate” Plaintiff’s counsel merely  
19 because Goodwater sat facing counsel during an interview. ECF No. 66 at 3, ¶ 5.

1 The Court hereby warns Plaintiff's counsel that continued unsubstantiated factual  
2 claims may result in Rule 11 sanctions.

3 The Court was not, as Plaintiff suggests, confused by the filing format  
4 citation errors in Plaintiff's supporting evidence in the summary judgment record.  
5 ECF No. 65 at 4. The Court reviewed the voluminous factual record in full and  
6 consistently cited to the ECF system's document and page numbering in its Order.  
7 ECF No. 58. And although Plaintiff now argues that Plaintiff's *Monell* claim  
8 should not have been dismissed without allowing Plaintiff to conduct discovery, it  
9 was Plaintiff who failed to avail himself of his opportunity to conduct discovery  
10 under Fed. R. Civ. P. 56(d). *See* ECF No. 58 at 2-3. Plaintiff fails to show legal  
11 error or manifest injustice in the Court's prior Order.


12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 Plaintiff's Motion for Reconsideration (ECF No. 65) is DENIED.

14 The District Court Executive is directed to enter this Order and furnish  
15 copies to counsel.

16 **DATED** July 9, 2020.



  
THOMAS O. RICE  
Chief United States District Judge